

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)).

Plaintiff filed objections on February 23, 2023.<sup>1</sup> ECF No. 56. The Court has conducted a *de novo* review of the Motions, the responses, the report and recommendation, the objection to the report and recommendation, and the applicable laws. After that thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted and the Plaintiff's objections overruled.


**IT IS THEREFORE ORDERED** that the Reports and Recommendations of United States Magistrate Judge Gilliland, ECF No. 31, 54, are **ADOPTED**.

**IT IS FURTHER ORDERED** that Plaintiff's objections are **OVERRULED**.

**IT IS FURTHER ORDERED** that the Defendant's Motion to Dismiss Pursuant to Rule 12(b)(6) (ECF No. 11) is **DENIED** and that Defendant's Motion to Transfer to the Northern District of California Under 28 U.S.C. § 1404 (ECF No. 38) is **GRANTED**.

**IT IS FINALLY ORDERED** that the Clerk of Court is directed to transfer the case to the Northern District of California and then close the above captioned case.

SIGNED this 2nd day of June, 2023.

  
ALAN D ALBRIGHT  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Plaintiff filed its objections to the Report and Recommendation of Magistrate Derek T. Gilliland as a Motion for Reconsideration. The Court finds that the Plaintiff intended its Motion for Reconsideration to operate as an objection to the Magistrate's Report and Recommendation.